19 38

Department of - Board of Revenue (Excise)

OFFICE

STATION Madras

R No. 2110 Abkari

Dated 22-9-38

DISPATCHED

Pages in the file

(SUBJECT.)

Narabari Kamath B - renter of G.S. No 11 Perdoor - Udipi taluk - dismissal application abkari and opium sales - appeal - dismissed

Post Box No.405 Teleg.address 'Quyadarce.'
Tel. No. 3505 Station: Triplicane, Madras.

Office of the Board of Revenue, Separate Revenue.

C.R. No. 11012 abu/38-A5- Dated

A.H.A. TODD, ESQ., C.I.E., I.C.S.,
3rd Member, Board of Revenue & Commissioner of
Excise and Separate Revenue.

Reference.- Petition dated 1-8-38 from B. Narahari Kamath
Ganja Shop Renter Udipi

ENDORSEMENT.

Returned.

The petition should bear court fee stamps of the value of Rs 2/- and as it does not bear them, it can receive no consideration.

DESPATCHED
15 AUG 38

for ASSISTANT SECRETARY.

12.8.38

To B. Narahari Kamath
Ganja, Shop Renter
[illegible] returned)

BOARD OF REVENUE 26 AUG 1938 EXCISE—MADRAS

BOARD OF REVENUE 4-AUG 1933 EXCISE—MADRAS

BEFORE THE HON'BLE BOARD OF REVENUE (separate Revenue)

Madras.

Burde Narahari Kamath,
Ganja shop renter, residing
in Udipi Town, South Kanara
District.) Appellant.

Being highly aggrieved by the order D.Dis No.4009/38 dated 4-7-'38 of the Collector of South Kanara (copy enclosed) debarring the appellant from bidding at future Abkari and Opium sales, the appellant begs to appeal to the Hon'ble Board to cancel the said order for the following reasons.

2. The order of the Collector is ultra bires in that no proceedings of any kind were instituted against the appellant and no explanation was called for from him in respect of any circumstance that might have been made to appear against him.

3. The order of the Collector shows that the appellant has been debarred as an undesirable person to hold abkari and opium privileges. Appellant is not aware how he has proved himself unworthy of holding the said privileges. No case of any breach of any of the conditions of licence has been made against the appellant.

4. The order is based on the Assistant Commissioner's report that the appellant is indulging in malpractices. Appellant has not been apprised of any malpractice alleged against him. If any kind of malpractice was found, it was proper that the authorities concerned should have held an open enquiry and punished the appellant or at least given him an opportunity to explain any act of commission.

3

5. Appellant is a long standing ganja renter of Udipi Circle for over 2 decades and his father was also a renter for many years. During the total service of nearly 45 years, both the appellant's father and the appellant have conducted themselves so well that they had earned appreciativ remarks from one and all the officers of both the Excise and the Revenue departments. There has never been any default in the payment of the rentals, nor was there any breach of conditions of the licence during all this period. At times when no bids could be secured for Ganja shops, appellant, as a reputed co-operator with the Excise Department, had taken up 3 or 4 shops at a time.

6. It was only last year that some misunderstand ing arose between the Udipi Range Sub Inspector and the appellant and the former began to take cudgels against the appellant in order to force him to yield to his improper demands. The misunderstanding developed and the Sub Inspecto was trying to prejudice his superiors against the appellant by all sorts of unfounded allegations. At the time of the annual sales in February '38, when the selling officer (the R.D.O. Coondapur) expressed that the appellant was alleged to have formed a strong combination against raising bids at the sales, appellant reasoned with the selling officer and explained that the absence of bids was not due to combination, but to the unpopularity of the Sub Inspector. Now it is apparent that the Sub Inspector has ingeniously managed to save his own skin by fathering the blame on the appellant. The long unblemished service of the appellant was ~~construed~~ Construed as a circumstance against him instead of being interpreted in his favour.

7. Appellant has reason to believe that the Officers concerned have acted merely on heresay information perhaps from quarters inimical to him; for the long service of the appellant as a ganja renter and the fact that he has

(he has)
been an active co-operator with the Excise Department even at a time when public opinion was against it have, of late, roused jealous and inimical feelings in many influential persons who have been waiting for an opportunity to crush the appellant- The Collector's order passed without giving the appellant an opportunity to desprove the allegations against him is not therefore sustainable.

8. The appellant assures the Board that he is not in the least anxious to bid at future sales, but he feels that a great injustice has been done to him and to the fair-name of his family in branding him as an undesirable person after a long and distinguished career of 26 years, without any tangible grounds, at a time when prohibition is almost at the doors.

9. Appellant belongs to a respectable family and the order of the Collector without any enquiry to the knowledge of the appellant is a serious blot on the appellant' reputation. It is opposed to all canons of law and procedure to inflict such an order against the appellant, when even a criminal culprit is allowed an opportunity to disprove the charge against him.

10. It is therefore prayed that the Hon'ble Board may be pleased to call for the connected records and after hearing the appellant, if necessary, to cancel the order of the Collector and preserve the fair name of the appellant's family.

B. Narahari Kamath Sd/-
1.8.38

Appellant.

Receipt Head after affixing the Stamp
Court Fee of Re.1/- with ref. CR No. 11012-H&C-38 X A 5.
12.8.38
Receipt
Date 23.8.38
B. Narahari Kamath Sd/-
23.8.38

pl c.f

6

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	26/9	
When examined ..	3/9	
When signed ..		
When despatched.		

SUBJECT:— Narahari Kamath, B - renter of G.S. No 11, Perdoor & dipi taluk - debarred from bidding at abkari and opium sales - appeal

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

pp 2-4 cR No. _____ From the B. Narahari Kamath Petn, deted 1-8-1938

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution / Ms. / Rout. No. CR 12182 abk/38 X A5, dated _____ 19____.

Refee -

Forwarded to the coller of South Kanara for submitting the connected records. He may, if he wishes, add any remarks which appear to be called for on the petition.

D.S.P.

To

The coller of S. Kanara

(with a petn & its enclosure to be retd)

Rl. call for enclosures

Sd
26.8.38

2-9-38

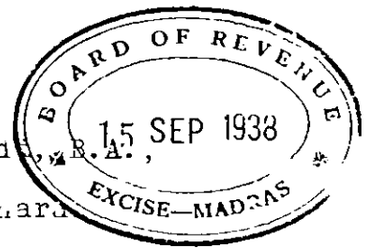
DESPATCHED
3 SEP 1938
Rao

176

7

L.Dis.5883/38. South Kanara Collector's Office

Mangalore, dated 10th September



From

13151

Sri Rao Bahadur M. V. Vellod[illegible], B.A.,

Collector of South Kanara

To

The Assistant Secretary,

Board of Revenue (Excise)

Madras.

Sir,

Narahari Kamath Sri - Renter of G.S.No.11 Perdoor, Udipi Taluk - Debarred from bidding at Abkari and opium sale Appeal - petition - remarks offered -

Board's C.R.No.1132/Abk./38-XA5 dated 3.9.1938.

****

I resubmit herewith the appeal petition of Narahari Kamath received with the Board's reference quoted above.

2. This office file D.Dis.4009 of 38 dated 4.7.38 is sent for perusal and return. Why I found it necessary to debar the appellant can be gathered from it.

For Collector.

10-9-38

CR 12182 abk/38 XAs

Narahari Kamath, B - renter of G.S.No. Perdoor - Udipi taluk - debarred from bidding at abkari and opium sales - appeal

b: 2 4 CF

Petition dated 1-8-38 from B. Narahari Kamath ganja shop renter Udipi taluk, S. Kanara

: 2-4 "F

" b 5 CF

The petition is an appeal against the order of the Collr of South Kanara debarring the petitioner from bidding at future abkari and opium sales. It may be forwarded to the Collr: of South Kanara for remarks with the connected records.

Draft submitted below for approval.

Sr
26-8-38

2.9.38

Note contd

Board's reflex CR 12182 abkari dated 3-9-38

From Collr. of South Kanara LDis 5883/38 dt 10-9-38

The Collr of South Kanara has resubmitted the appeal petition with the connected records and has not offered any remarks on the appeal petition.

It may be seen from the records

That the A.C. Westcoast Subdn recommended to the Collr of South Kanara that the appellant might ~~not~~ be debarred from bidding at future abkari and opium sales on the ground that he was an undesirable person to continue as an abkari renter and that he was indulging in malpractices.

The Collr of South Kanara made personal enquiries ~~of the appellant~~ at Udipi and came to the conclusion that the appellant had a wonderful organisation — ~~is~~ for selling ganja at prices much lower than those at which the other renters in the locality sold it and that he was a great disturbing influence at ganja sales.

The Collr has been convinced that the appellant was engaged in illicit sale of ganja on a wide scale in Coondapur division and consequently debarred him. ~~It appears unnecessary to interfere with the Collrs order.~~

For orders.

fr 9.38

Sir

Draft submitted below.

fr 9-9-38

Ur There is nothing on record to show that the Collr made personal enquiries. Often police reports are not reliable in such matters

9.9.38

10

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied	26/10/09	
When examined..	26/9	VB
When signed ..		
When despatched.		

SUBJECT:—

Narahari Kamath, B - renter of G. S. No 11 Perdoor - Udipi taluk - debarred from bidding at abkari and opium sales - appeal - dismissed,

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

bp 2-4 cf No. _____ From the B. Narahari Kamath, No. Appeal / petition dated 1-8-1938.

p 7 cf " _____ " Collr of S. Kanara L.Dis. 5883/38 " 10-9-1938.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution — Ms. / Rout. No. CR 121/38 abk/38 & A5 dated _____ 19____.

Resn

- The appeal is dismissed.

DESPATCHED
22-9-38

for
20-9-38

D. S. 26
D. S.

To

B. Narahari Kamath
Ganja Shop Renter
Udipi (S. Kanara Dt)
(with one enclosure) p5 cf.

Copy to the Collr of
South Kanara
(E)
(with records sent by
Regd post)

Please call for
enclosure